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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,627	06/05/2000	Guy Euget	FR9-1999-0073 US1	7746

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EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2665

12

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/587,627

Applicant(s)

EUGET ET AL.

Examiner

Daniel J. Ryman

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-10.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2 and 5. NOTE: While the proposed amendments correct the objections to the claims and drawings, the amendments do not materially reduce the issues for appeal. On pages 9-11 of the response, Applicant argues, with regards to claim 1, that Ferguson does not teach or suggest the limitations of the claim. Examiner, respectfully, submits that Ferguson teaches or suggests the limitations of claim 1, as cited in the rejection of claim 1. Ferguson discloses that the DLSw nodes forward encapsulated frames from the token ring for transport over a wide area network (col. 4, line 64-col. 5, line 27). Ferguson also discloses that SNA devices transmit "explorer" frames (undirected query) in order to discover unknown paths (col. 3, line 26-37). Thus, it follows that when the DLSw node receives an "explorer" frame from an SNA node (equivalent to receiving a request message since the "request message" is not defined in the claim), it transmits an equivalent message to another DLSw node, which then relays the message to an intended destination SNA node. This signaling, as broadly defined, reads on the limitations of the claim. In addition, it is implicit that the responses between the target DLSw node and the source DLSw node contain addressing information. The DLSw nodes communicate via a TCP/IP cloud where TCP/IP communications require addressing information to be contained in a source and destination address fields of a packet for routing purposes. Therefore, as broadly defined, Ferguson does teach the limitations of claim 1, as cited by Examiner. Applicant also argues that Mead does not disclose connecting a source node and a target node across a network. Examiner, respectfully, submits that Mead is not intended to disclose the aforementioned limitation, but rather Mead is intended to disclose finding a route to a target node and the use of a spanning tree. In a similar vein, Haggerty is not intended to teach explorer frames or undirected queries, but rather Haggerty is intended to teach the use of a spanning tree in order to supplement the teachings of the other references. As such, Examiner maintains the rejections of the claims. Applicant is urged to amend the claims to add limitations to the claims in order to distinguish the claims from the prior art.



STEVEN H. D. NGUYEN
PRIMARY EXAMINER